

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSE ANGELA RUIZ SIERRA,

Plaintiff,

v.

NANCY A. BERRYHILL,
Acting Commissioner of Social Security,¹

Defendant.

No. 17-CV-10197 (KMK)

ORDER ADOPTING R&R

KENNETH M. KARAS, United States District Judge:

Jose Angela Ruiz Sierra (“Plaintiff”) brings this Action against the Acting Commissioner of Social Security (the “Commissioner”), pursuant to 42 U.S.C. § 405(g), challenging the decision of an administrative law judge (the “ALJ”) to deny Plaintiff’s application for disability insurance benefits on the ground that Plaintiff was not disabled within the meaning of the Social Security Act, 42 U.S.C. § 423 *et seq.* The Court referred the case to Magistrate Judge Paul E. Davison (“Judge Davison”) pursuant to 28 U.S.C. § 636(b)(1)(A). (Dkt. No. 6.) The Commissioner and Plaintiff cross-move for judgment on the pleadings. (Dkt. Nos. 14, 18.) Judge Davison issued a Report and Recommendation (“R&R”) recommending that the Court deny the Commissioner’s motion and grant Plaintiff’s cross-motion to the extent that the case be remanded for further administrative proceedings consistent with the R&R. (R&R 56 (Dkt. No. 20).) No objections were filed.

¹ Pursuant to Federal Rule of Civil Procedure 25(d)(1), Nancy A. Berryhill, the current Acting Commissioner of Social Security, has been substituted as the Defendant in this Action.

Because no objections have been filed, the Court reviews the R&R “only for clear error on the face of the record.” *See Brennan v. Colvin*, No. 13-CV-6338, 2015 WL 1402204, at *1 (S.D.N.Y. Mar. 25, 2015) (internal quotation marks omitted); *see also Iannolo v. Astrue*, No. 10-CV-7602, 2012 WL 523619, at *1 (S.D.N.Y. Feb. 16, 2012) (same). Having reviewed the R&R for clear error and finding none, the Court adopts the R&R in its entirety.

Accordingly, it is hereby:

ORDERED that Plaintiff’s Motion for Judgment on the Pleadings is granted to the extent that the case be remanded for further administrative proceedings consistent with the R&R, and the Commissioner’s Cross-Motion is denied. Accordingly, the decision of the ALJ is reversed and remanded for further administrative proceedings consistent with the R&R. The Clerk of Court is respectfully directed to terminate the pending Motions. (Dkt. Nos. 14, 18).

SO ORDERED.

Dated: March 19, 2019
White Plains, New York

A handwritten signature in black ink, appearing to read 'K. Karas', is written over a horizontal line.

KENNETH M. KARAS
UNITED STATES DISTRICT JUDGE